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16 UNITED STATES DISTRICT COURT
17 SOUTHERN DISTRICT OF CALIFORNIA
18 SAN DIEGO DIVISION

19 WHITEWATER DRAW NATURAL
20 RESOURCE CONSERVATION
21 DISTRICT, *et al.*,

22 Plaintiffs,

23 v.

24 KIRSTJEN M. NIELSEN, *et al.*,

25 Federal Defendants.

Case No. 3:16-cv-2583

**UNOPPOSED MOTION FOR STAY
OF LITIGATION**

Hon. H. James Lorenz

1 Federal Defendants hereby move for a temporary stay of the deadlines in this case.

2 1. At the end of the day on December 21, 2018, the appropriations act that had
3 been funding the Department of Justice expired and appropriations to the Department
4 lapsed. The same is true for several other Executive agencies, including the Department
5 of Homeland Security (“DHS”). The Department does not know when funding will be
6 restored by Congress.
7

8 2. Absent an appropriation, Department of Justice attorneys and employees of
9 the DHS are prohibited from working, even on a voluntary basis, except in very limited
10 circumstances, including “emergencies involving the safety of human life or the
11 protection of property.” 31 U.S.C. § 1342.
12

13 3. The lapse of appropriations has resulted in the furlough of DHS employees
14 responsible for compiling, reviewing, and certifying the administrative records for the
15 majority of the actions at issue in this litigation. As a result of the time already lost
16 during the shutdown, as well as the unknown duration of the lapse in appropriations,
17 Defendants may be unable to meet the February 12, 2019 deadline for production of the
18 administrative records. *See* ECF No. 61.
19

20 4. Defendants therefore seek to stay the deadlines in this case until Congress
21 has restored appropriations to the Departments.
22

23 5. If this motion for a stay is granted, undersigned counsel will notify the
24 Court as soon as Congress has appropriated funds for the Departments. The United
25
26
27
28

1 States requests that, at that point, all current deadlines for the parties be extended
2 commensurate with the duration of the lapse in appropriations.

3 6. Counsel for the United States has conferred with counsel for Plaintiffs' and
4 is advised that Plaintiffs do not object to this motion.
5

6 7. The parties further note that upon restoration of funding they will confer and
7 submit for the Court's approval an adjusted briefing schedule.
8

9 Therefore, although we greatly regret any disruption caused to the Court and the
10 other litigants, the United States hereby moves for a stay of litigation deadlines in this
11 case until the Departments are permitted to resume their usual functions.
12

13 A proposed order is submitted herewith.
14

15 Respectfully submitted,
16 DATED: January 11, 2019 JEAN E. WILLIAMS
17 Deputy Assistant Attorney General

18 /s/ Barclay T. Samford
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